

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 JEFFREY NELSON,

11 Plaintiff,

12 v.

13 NANCY A. BERRYHILL, Deputy
14 Commissioner of Social Security for
Operations,

15 Defendant.

CASE NO. 3:17-cv-05386-JRC

ORDER ON STIPULATED
MOTION FOR EQUAL ACCESS
TO JUSTICE ACT FEES AND FOR
COSTS

16 This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local
17 Magistrate Judge Rule MJR 13 (*see also* Notice of Initial Assignment to a U.S. Magistrate Judge
18 and Consent Form, Dkt. 3; Consent to Proceed Before a United States Magistrate Judge, Dkt. 5).
19 This matter is before the Court on plaintiff's Stipulated Motion for Equal Access to Justice Act
20 Fees and Costs (*see* Dkt. 15).

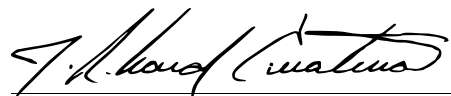
21 Based on the Equal Access to Justice Act, 28 U.S.C. § 2412, ("EAJA"), the stipulation of
22 the parties (*see* Dkt. 15), and the relevant record, it is hereby ORDERED that EAJA attorney's
23
24

1 fees of \$3,935.80 shall be awarded to plaintiff pursuant to the EAJA and consistent with *Astrue*
2 *v. Ratliff*, 130 S.Ct. 2521, 2524, 2010 U.S. LEXIS 4763 at ***6-***7 (2010).

3 It is further ORDERED that costs in the amount of \$400.00 shall be awarded to plaintiff
4 pursuant to 31 U.S.C. § 1304 and 28 U.S.C. § 1920.

5 The Acting Commissioner shall contact the Department of Treasury after the Order for
6 EAJA fees and costs is entered to determine if the EAJA fees and costs are subject to any offset.
7 If it is determined that plaintiff's EAJA fees and costs are not subject to any offset allowed
8 pursuant to the Department of the Treasury's Offset Program, then the check for EAJA fees (and
9 the check for costs) shall be made payable to Dellert Baird Law Offices, PLLC, based on
10 plaintiff's assignment of these amounts to plaintiff's attorney (*see* Dkt. 15). If there is an offset,
11 the remainder shall be made payable to plaintiff, based on the practice of the Department of the
12 Treasury (*see, e.g.*, Case No. 2:15-cv-122, Dkt. 22, p. 4). Any check for EAJA fees (and any
13 check for costs) shall be mailed to plaintiff's counsel, Christopher H. Dellert, Esq., at Dellert
14 Baird Law Offices, PLLC, P.O. Box 97301, Lakewood, WA 98497.

15 Dated this 16th day of April, 2018.

16
17 

18 J. Richard Creatura
19 United States Magistrate Judge
20
21
22
23
24